

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEEP9 CORPORATION,

Plaintiff,

v.

BARNES & NOBLE, INC. and
BARNESANDNOBLE.COM LLC,

Defendants.

CASE NO. 2:11-CV-00035-JLR

DEFENDANTS' MOTION FOR COSTS

NOTED FOR: NOVEMBER 2, 2012

CLERK'S ACTION REQUIRED

Costs To Be Taxed: **\$45,271.26**

On September 21, 2012, the Court entered judgment in favor of Defendants Barnes & Noble, Inc. and barnesandnoble.com llc (collectively, "Barnes & Noble") and against Plaintiff Deep9 Corporation ("Deep9"). (See Dkt. No. 277.) Barnes & Noble now submits this Motion for Costs pursuant to CR 54(d) and 28 U.S.C. § 1920. The detailed costs are set forth below.

The costs itemized below constitute taxable costs that were reasonably and necessarily incurred by Barnes & Noble in this case. The Declaration of Charles A. Basinger in support of these costs is attached hereto as Appendix A. Exhibits 2-4 to that declaration contain true and correct copies of the invoices substantiating these costs.

DEFENDANTS' ITEMIZED COSTS

A. Fees For Printed or Electronically Recorded Transcripts

(i) Deposition Transcripts

The below table lists the deposition transcripts that were necessarily obtained by Barnes & Noble for use in this litigation and are properly recoverable under 28 U.S.C. § 1920(2). (See Basinger Decl. at ¶ 4.)

Date/Invoice #	Deponent	Transcript	Vendor	Invoice Total
Apr. 23, 2012 424793	Sudeep Narain	Transcript with Video	Barkley Court Reporters	\$ 1,489.40
Apr. 26, 2012 425330	Ravi Gopalakrishnan	Transcript with Video	Barkley Court Reporters	\$ 1,304.00
Apr. 26, 2012 23648-2	Chris Winberry	Transcript with Video	Greenhouse Reporting, Inc.	\$ 1,109.33
May 18, 2012 1001980	David Campbell (Vol. 1)	Transcript with Video	Aptus Court Reporting	\$ 4,942.88
May 18, 2012 1001982	David Campbell (Vol. 2)	Transcript with Video	Aptus Court Reporting	\$ 2,029.53
May 23, 2012 426851	Ranju Das	Transcript with Video	Barkley Court Reporters	\$ 1,934.64
Jun. 4, 2012 23671-3	John McDermott	Transcript with Video	Greenhouse Reporting, Inc.	\$ 2,057.30
Jul. 3, 2012 23752-3	Mark Gallagher	Transcript with Video	Greenhouse Reporting, Inc.	\$ 1,143.19
Jul. 6, 2012 23751-3	Dr. Benjamin Goldberg	Transcript with Video	Greenhouse Reporting, Inc.	\$ 782.13
Jul. 16, 2012 1002323	David Campbell (Vol. 3)	Transcript with Video	Aptus Court Reporting	\$ 1,251.64
Jul. 20, 2012 1002353	Russell W. Mangum III, Ph.D	Transcript with Video	Aptus Court Reporting	\$ 3,890.36
Jul. 20, 2012 1002434	Stephen Gray	Transcript with Video	Aptus Court Reporting	\$ 6,136.45
Total:				\$28,070.85

(ii) Hearing Transcripts

The transcript of the summary judgment hearing was also necessarily obtained by Barnes & Noble for use in this litigation and is properly recoverable under 28 U.S.C. § 1920(2). (*See id.* at ¶ 6.)

Proceeding	Transcript	Invoice Total
Summary Judgment Hearing	Electronic Transcript	\$ 268.25

B. Fees for Exemplification and the Costs of Making Copies of any Necessary Materials

The photocopying costs shown below were incurred by Barnes & Noble and are properly recoverable under 28 U.S.C. § 1920(4). (*See id.* at ¶ 4.)

Invoice Date	Description	Invoice Total
May 18, 2012	Photocopies	\$ 4,540.60
Jun. 27, 2012	Photocopies	\$ 426.25
Jul. 27, 2012	Photocopies	\$ 4,665.21
Aug. 29, 2012	Photocopies	\$ 2,800.10
		Total: \$12,432.16

Fees for professional graphics support are also recoverable under 28 U.S.C. § 1920(4). Barnes & Noble necessarily incurred the below cost for graphics support at the summary judgment hearing on September 21, 2012. (*See id.* at ¶ 5.)

Entity	Proceedings	Invoice Total
Resonant Legal Media	Summary Judgment Hearing	\$ 4,500.00

CONCLUSION

Barnes & Noble respectfully requests that the Court grant costs in the amount of **\$45,271.26**, as summarized below.

Description	Cost
Printed and electronically recorded transcripts – depositions	\$ 28,070.85
Printed and electronically recorded transcripts – hearing	\$ 268.25
Fees for exemplification and copies – photocopies	\$ 12,432.16
Printed and electronically recorded transcripts – graphics support	\$ 4,500.00
Total	\$ 45,271.26

DATED: October 12, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Attorneys for Defendants

By s/David Eiseman

David Eiseman (Pro Hac Vice)

50 California Street, 22nd Floor
San Francisco, California 94111-4788
Telephone: (415) 875 6600
E-mail: davideiseman@quinnemanuel.com

Jeffrey S. Gerchick (Pro Hac Vice)
Charles Basinger (Pro Hac Vice)
1299 Pennsylvania Ave NW
Suite 825
Washington, D.C. 20004
Telephone: (202) 538-8000
E-mail: jeffgerchick@quinnemanuel.com
charlesbasinger@quinnemanuel.com

Kenyon & Kenyon
Attorneys for Defendants

Richard L. DeLucia (Pro Hac Vice)
A. Antony Pfeffer (Pro Hac Vice)
Vincent Rubino (Pro Hac Vice)
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
E-mail: rdelucia@kenyon.com
apfeffer@kenyon.com
vrubino@kenyon.com

Davis Wright Tremaine LLP
Attorneys for Defendants

Marvin L. Gray, Jr., WSBA #5161
Cassandra L. Kennan, WSBA #22845
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Telephone: (206) 622-3150
Fax: (206) 757-7700
E-mail: montygray@dwt.com
cassandrakennan@dwt.com

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to all counsel of record.

Dated this 12th day of October, 2012.

By /s/ David Eiseman

APPENDIX A

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEEP9 CORPORATION,

Plaintiff,

v.

BARNES & NOBLE, INC. and
BARNESANDNOBLE.COM LLC,

Defendants.

CASE NO. 2:11-CV-00035-JLR

**DECLARATION OF CHARLES A.
BASINGER IN SUPPORT OF
DEFENDANTS' MOTION FOR COSTS**

I, Charles A. Basinger, do declare as follows:

1. I am an attorney admitted to practice in the District of Columbia, and I am a member of the law firm of Quinn Emanuel Urquhart & Sullivan, LLP. I represent defendants Barnes & Noble, Inc. and barnesandnoble.com llc in this action.

2. I have knowledge of the matters set forth in this Declaration based on my personal involvement and investigation into the subject matter set forth in the attached exhibits. The items reflected in Defendants' Motion for Costs are supported by the exhibits and invoices attached hereto.

3. On September 21, 2012, Judgment was entered in favor of Defendants and against Plaintiff Deep9, Inc. A true and correct copy of the Judgment is attached hereto as Exhibit 1.

6. Attached hereto as Exhibit 4 is a true and correct copy of the invoice reflecting the cost for the transcript of the summary judgment hearing.

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

Executed on October 12, 2012 in Washington, D.C.

Charles A. Basing

Charles A. Basinger

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to all counsel of record.

Dated this 12th day of October, 2012.

By /s/ David Eiseman

EXHIBIT 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEEP9 CORPORATION,

Plaintiff,

v.

BARNES & NOBLE, INC., et al.,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NO. C11-0035JLR

- ☐ **Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to consideration before the court. The issues have been considered and a decision has been rendered.

The court grants summary judgment in favor of Defendants Barnes & Noble, Inc. and barnesandnoble.com, LLC.

Filed this 21st day of September, 2012.

WILLIAM M. MCCOOL
Clerk of Court

s/Mary Duett
Deputy Clerk

EXHIBIT 2

Kenyon & Kenyon LLP

ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

URGENT MAY 30 2012

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

May 18, 2012

Invoice # 860429

Attn: General Counsel

For professional services and disbursements from April 1, 2012 through April 30, 2012.

Total This Invoice

Make Checks Payable to: Kenyon & Kenyon LLP

Or

[REDACTED]

Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004**Attorney / Paralegal Summary**

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]
Services This Matter			[REDACTED]

Disbursements

Photocopies	4,540.60
Federal Express	207.92
Library - Lexis	206.44
Outside Reproduction	77.03
Processing Native	2,470.00
Travel Expense - Airfare	3,040.00
Travel Expense - Car Fare (Parking, Mileage, etc.)	240.51
Travel Expense - Car Rental	563.68
Travel Expense - Lodging	3,137.12
Travel Expense - Meals	447.51
VENDOR: Barkley Court Reporters; INVOICE#: 424793; DATE: 4/23/2012 - DEPOSITION OF SUDEEP NARAIN	1,489.40
VENDOR: Barkley Court Reporters; INVOICE#: 425330; DATE: 4/26/2012 - DEPOSITION OF RAVI GOPALAKRISHNAN	1,304.00
[REDACTED]	[REDACTED]
VENDOR: MercuryIQ; INVOICE#: 00216; DATE: 3/31/12 - Document production	40,119.57
VENDOR: TransPerfect Document Management, Inc.; INVOICE#: B&NV.MICROSOFT/2-2; DATE: 2/29/12 - Document production	2,626.63

Disbursements This Matter**Total This Matter****Historical Matter Summary**

<u>This Bill</u>	<u>Calendar Year To Date *</u>	<u>Matter Total To Date *</u>
------------------	------------------------------------	-----------------------------------

* Inclusive of This Bill

Fees:

\$

[REDACTED]

[REDACTED]

[REDACTED]



Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004

Historical Matter Summary			
	<u>This Bill</u>	<u>Calendar Year To Date *</u>	<u>Matter Total To Date *</u>
Disbursements:			
Total:			

Total This Invoice
Courtesy Discount
Total Amount Due



Kenyon & Kenyon LLP
ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

URGENT MAY 30 2012

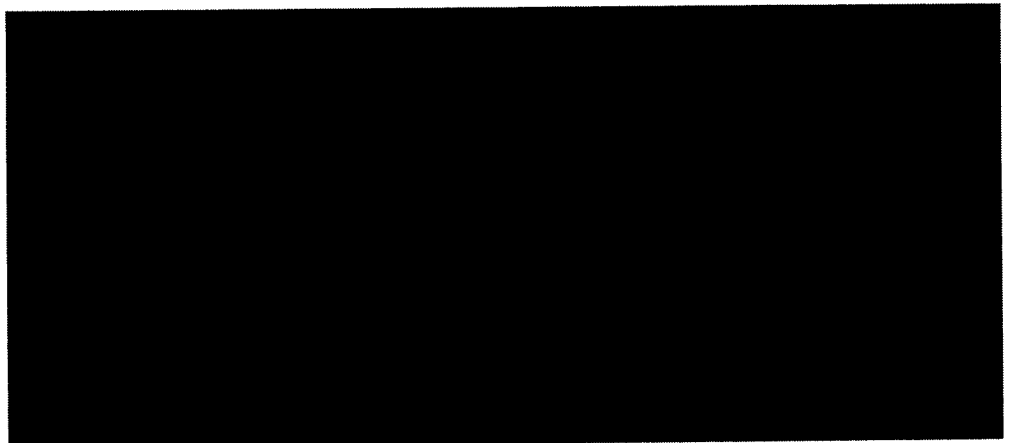
May 18, 2012


Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

Attn: General Counsel

For professional services and disbursements from April 1, 2012 through April 30, 2012

Bill Num	Matter	Matter Name	Total
	6	Deep9 Corporation v. Barnes & Noble, Inc	




Kenyon & Kenyon LLP
ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

RECEIVED

JUL 02 2012






URGENT JUL 19 2012

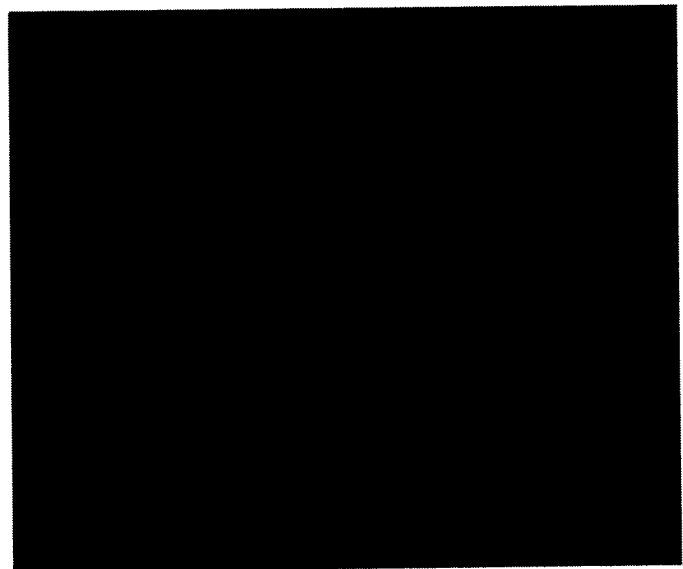
June 27, 2012

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

Attn: General Counsel

For professional services and disbursements from May 1, 2012 through May 31, 2012

Bill Num	Matter	Matter Name	Total
		Deep9 Corporation v. Barnes & Noble, Inc	 
			



Kenyon & Kenyon LLP

ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

June 27, 2012

Invoice # 861689

Attn: General Counsel

For professional services and disbursements from May 1, 2012 through May 31, 2012.

Total This Invoice

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(374.67)

Tel. 212-425-7200

KENYON & KENYON LLPOne Broadway
New York, N.Y. 10004

VENDOR: Aptus Court Reporting; INVOICE#: 1001980; DATE: 5/18/2012 -	4,942.88
DEPOSITION OF R. DAVID L. CAMPBELL	
VENDOR: Aptus Court Reporting; INVOICE#: 1001982; DATE: 5/18/2012 -	2,029.53
DEPOSITION OF R. DAVID L. CAMPBELL	
VENDOR: Barkley Court Reporters; INVOICE#: 425623; DATE: 5/1/2012 -	75.00
DEPOSITION OF SUDEEP NARAIN	
VENDOR: Barkley Court Reporters; INVOICE#: 425622; DATE: 5/1/2012 -	75.00
DEPOSITION OF RAVI GOPALAKRISHNAN	
VENDOR: Greenhouse Reporting, Inc.; INVOICE#: 23648-2; DATE:	628.04
5/17/2012 - DEPOSITION OF CHRIS WINBERRY, 4/26/12	
VENDOR: Greenhouse Reporting, Inc.; INVOICE#: 23647-2; DATE:	1,109.33
5/17/2012 - DEPOSITION OF CHRIS WINBERRY, 4/26/12	

Disbursements This Matter

[REDACTED]

Total This Matter

[REDACTED]

Historical Matter Summary

	<u>This Bill</u>	<u>Calendar Year To Date *</u>	<u>Matter Total To Date *</u>
		[REDACTED]	
Fees:	[REDACTED]	[REDACTED]	[REDACTED]
Disbursements:	[REDACTED]	[REDACTED]	[REDACTED]
Total:	[REDACTED]	[REDACTED]	[REDACTED]

Total This Invoice
Courtesy Discount
Total Amount Due

[REDACTED]



URGENT SEP 13 2012

Kenyon & Kenyon LLP
ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

RECEIVED

July 25, 2012

JUL 27 2012

Attn: General Counsel

For professional services and disbursements from June 1, 2012 through June 30, 2012

Bill Num	Matter	Matter Name	Total
	6	Deep9 Corporation v. Barnes & Noble, Inc	

Kenyon & Kenyon LLP

ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

July 24, 2012

Invoice # 865996

Attn: General Counsel

For professional services and disbursements from June 1, 2012 through June 30, 2012.

Total This Invoice

[REDACTED]

Make Checks Payable to: Kenyon & Kenyon LLP

Or

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Attorney / Paralegal Summary

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
<u>Partner</u>			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004Attorney / Paralegal Summary

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
<u>Legal Intern</u>			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	<u>[REDACTED]</u>		<u>[REDACTED]</u>
Services This Matter			[REDACTED]

Disbursements

Color Copies	408.40
Electronic Document Processing - Branding	36.67
Federal Express	132.72
Library - Lexis	1,281.98
Library - Other Expense	66.20
Library - Patent Imaging Corporation (DA)	1,634.33
Library - Westlaw	1,439.45
Photocopies	4,665.21
Processing Native	1,028.00
Processing TIFFS (Including TIFFing and Extracting Metadata and Full Text)	73.34
Travel Expense - Airfare	3,299.60
Travel Expense - Lodging	514.46
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
VENDOR: Barkley Court Reporters; Invoice # -426851; DATE: 5/23/2012 - Deposition of Ranju Das.	1,934.64
VENDOR: Greenhouse Reporting, Inc.; Invoice#: 23671-3; DATE: 6/4/2012 - Deposition of John McDermott	2,057.30
VENDOR: Greenhouse Reporting, Inc.; Invoice#: 23672-3; DATE: 6/4/2012 - Deposition of John McDermott.	708.98

Disbursements This Matter

[REDACTED]



Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004

Total This Matter

[REDACTED]

Historical Matter Summary

	<u>This Bill</u>	<u>Calendar Year To Date *</u>	<u>Matter Total To Date *</u>
	[REDACTED]	[REDACTED]	[REDACTED]
Fees:	[REDACTED]	[REDACTED]	[REDACTED]
Disbursements:	[REDACTED]	[REDACTED]	[REDACTED]
Total:	[REDACTED]	[REDACTED]	[REDACTED]

Total This Invoice
Courtesy Discount
Total Amount Due

[REDACTED]



Kenyon & Kenyon LLP
ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

August 29, 2012

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

Attn: General Counsel

For professional services and disbursements from July 1, 2012 through July 31, 2012

Bill Num	Matter	Matter Name	Total
	6	Deep9 Corporation v. Barnes & Noble, Inc	

Kenyon & Kenyon LLP

ONE BROADWAY
NEW YORK, N.Y. 10004
Tel. 212-425-7200
I.D. 13-5607139

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

August 29, 2012

Invoice # 869366

Attn: General Counsel

For professional services and disbursements from July 1 through July 31, 2012

Total This Invoice



Make Checks Payable to: Kenyon & Kenyon LLP

Or



Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004Attorney / Paralegal Summary

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Services This Matter			[REDACTED]

Disbursements

Color Copies & Photocopies	2,800.10
[REDACTED]	[REDACTED]
Telephone & Telephone Conferencing Services	100.75
Travel/M meal Expenses	6,906.46
Federal Express	2,893.48
Outside Reproduction	121.46
VENDOR: Aptus Court Reporting; INVOICE#: 1002434; DATE: 7/20/2012 - DEPOSITION OF STEPHEN GRAY	6,136.45
VENDOR: Aptus Court Reporting; INVOICE#: 1002353; DATE: 7/20/2012 - DEPOSITION OF RUSSELL W. MANGUM III, Ph.D	3,890.36
VENDOR: Greenhouse Reporting, Inc.; INVOICE#: 23752-3; DATE: 7/27/2012 - DEPOSITION OF MARK GALLAGHER, 7/3/12	1,143.19
VENDOR: Greenhouse Reporting, Inc.; INVOICE#: 23751-3; DATE: 7/27/2012 - DEPOSITION OF DR BENJAMIN GOLDBERG, 7/6/12	782.13
VENDOR: Aptus Court Reporting; INVOICE#: 1002323; DATE: 7/16/12 - Deposition transcript re: David R. Campbell V3	1,251.64

Disbursements This Matter

[REDACTED]



Tel. 212-425-7200

KENYON & KENYON LLP

One Broadway
New York, N.Y. 10004

Total This Matter

Historical Matter Summary

<u>This Bill</u>	<u>Calendar Year To Date *</u>	<u>Matter Total To Date *</u>
------------------	------------------------------------	-----------------------------------

* Inclusive of This Bill

Fees:

Total This Invoice
Courtesy Discount
Total Amount Due



EXHIBIT 3

(RLM)))

413 S. WASHINGTON STREET \ ALEXANDRIA VA 22314 \ 800.781.3591

September 26, 2012

Jeff Gerchick
Quinn Emanuel
1299 Pennsylvania Avenue, N.W.
Suite 825
Washington, DC 20004

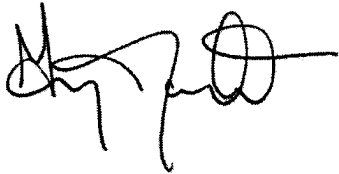
Re: Deep9 Corporation v. Barnes & Noble, Inc.

Dear Jeff,

Please find attached an invoice in the amount of \$4,500.00. This invoice includes billable professional services for the period 09/01/2012 through the 09/30/2012.

If you have any questions, please call me at (202) 341-5444.

Best regards,

A handwritten signature in black ink, appearing to read 'Guy Joubert', with a stylized flourish at the end.

Guy Joubert
Principal

Invoice Remittance

Jeff Gerchick
Quinn Emanuel
1299 Pennsylvania Avenue, N.W.
Suite 825
Washington, DC 20004

September 26, 2012
Resonant Invoice No. 1209-019
Terms NET 30
Federal ID No. 20-4734326

Re: Deep9 Corporation v. Barnes & Noble, Inc.

Current Invoice Period: 09/01/2012 - 09/30/2012

Professional Services	\$4,500.00
-----------------------	------------

Total Amount Due	\$4,500.00
------------------	------------

Please Remit Payment to:
Resonant Legal Media, LLC
413 S. Washington Street
Alexandria VA 22314

(resonant | legal media)))

From

RLM413 S. Wash ngton Street
Alexandra, V rgn a 22314
Un ted Statesnvo ce Number **1209-019**

nvo ce For

**Quinn Emanuel Urquhart &
Sullivan**

nvo ce Date 09/26/2012

Due Date 10/26/2012 (Net 30)

Matter Deep9 Corporat on v. Barnes & Nob e nc.,
et a .

Type	Description	Hours	Hourly Rate	Amount
Profess ona Fees	Deep9 Corporat on v. Barnes & Nob e nc., et a . - 09/09/2012 - Commun cat on Des gn / Annett Schu ze	2.00	\$225.00	\$450.00
Profess ona Fees	Deep9 Corporat on v. Barnes & Nob e nc., et a . - 09/10/2012 - Commun cat on Des gn / Annett Schu ze	13.00	\$225.00	\$2,925.00
Profess ona Fees	Deep9 Corporat on v. Barnes & Nob e nc., et a . - 09/11/2012 - Commun cat on Des gn / Annett Schu ze	5.00	\$225.00	\$1,125.00

Amount Due \$4,500.00

EXHIBIT 4

AO44
(Rev. 11/07)UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

INVOICE NO: 00000527

MAKE CHECKS PAYABLE TO:

Charles Basinger
 Quinn Emanuel Urquhart & Sullivan
 1299 Pennsylvania Ave. NW
 Suite 825
 Washington, DC
 Phone:

Kari McGrath, RMR, CRR
 United States Court Reporter
 U.S. Courthouse
 700 Stewart Street, Suite 17205
 Seattle, WA 98101
 Phone: (206) 370-8509
 Tax ID: 27-0257329
 kari_mcgrath@wawd.uscourts.gov

☐ CRIMINAL☒ CIVIL

DATE ORDERED:

09-13-2012

DATE DELIVERED:

09-13-2012

Case Style: C11-35JLR, Deep9 Corporation v Barnes & Noble, et al.
 Oral Argument held on 9-11-12

CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	
Ordinary										
14-Day										
Expedited										
Daily										
Hourly	37	7.25	268.25							268.25
Realtime										
Misc. Desc. MISC. CHARGES:										
TOTAL:										268.25
LESS DISCOUNT FOR LATE DELIVERY:										
TAX (If Applicable):										
LESS AMOUNT OF DEPOSIT:										
TOTAL REFUND:										
TOTAL DUE:										\$268.25

ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE:

DATE

09-24-2012